



**Meeting of the City Council
Held at the Elk River City Hall
Monday, August 19, 2024**

Members Present: Acting Mayor Jennifer Wagner, Councilmembers Cory Grupa, Matt Westgaard, and Mike Beyer

Members Absent: Mayor John Dietz (Elk River Municipal Utilities Conference)

Staff Present: City Administrator Cal Portner, Community Development Director Zack Carlton, Senior Planner Chris Leeseberg, Economic Development Director Brent O'Neil, and City Clerk Tina Allard

Others Present: City Attorney Jared Shepherd

1. CALL MEETING TO ORDER

Pursuant to due call and notice thereof, the meeting was called to order at 06:00 p.m.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. CONSIDER AGENDA

Councilmember Westgaard noted he would abstain on Item 8.1 due to a conflict of interest.

Moved by Councilmember Beyer and seconded by Councilmember Grupa to approve the agenda. Motion Carried 4-0.

4. CONSENT AGENDA

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to approve the following consent items as outlined in their respective staff reports. Motion Carried 4-0.

4.1 Check Register

4.2 Lexipol Services Contract

4.3 Hire Community Event Center Manager

4.4 Pay Estimates

4.5 FT Center 2025 Ice, Turf, and Room Rates

5. OPEN FORUM

James Rossman, 1815 SE Hideaway Circle, Port St. Lucie, FL, 34952 - Stated he owns 402 and 404 Main Street and the adjacent property, 414 Main Street, recently received a variance. He stated he got a notice from the city that was incorrect, and felt because he did not get proper notification, the variance approval should be invalid. He expressed concerns about his signage being hidden, setbacks, parking in the back, security, fencing, and blocked sunlight. He stated he believes the variance was for financial reasons, which is not legal.

Kent Larson, Edward Jones, 402 Main Street - Concurred with everything Mr. Rossman stated.

Attorney Shepherd stated the opportunity to revisit the variance request has passed and there are no grounds for overturning it.

Acting Mayor Wagner further noted that no building has been approved for the site yet and thanked the speakers for coming forward.

Ryan Easton, 15921 St. Andrews Court, Ramsey, requested a contract for youth hockey ice rental at the community center. He stated they were guaranteed ice rental but the schedule he wanted was sold for a Tier I Showcase, which fell on his organization's tryout weekend. He stated another junior showcase has been booked over dates his group has booked for years. He expressed frustration with not having an ice contract that would be mutually beneficial, noting they are a good tenant, pay all their bills, and hold up their end of the bargain in the building.

Acting Mayor Wagner noted the next Multipurpose Facility Advisory Committee meeting is scheduled for October and that this will be brought to staff for consideration.

6. PRESENTATIONS, AWARDS, AND RECOGNITION

6.1 City of Elk River Volunteer of the Month

Acting Mayor Wagner presented the August Volunteer of the Month award to Katie Britton. She highlighted the following:

- Co-chair for Thumbs Up 5K and 10K Planning Committee.
- Thumbs Up after-school program, teen outreach, and community events.
- Works with media and activities for the Firefighters for Healing annual golf tournament.
- Pinky Swear Foundation, which delivers snacks and meals to Children's Hospital.
- Organizes letters of encouragement to kids with cancer through the Pinky Swear Foundation.

7. PUBLIC HEARINGS

7.1 Ordinance 24-18 Regulating Yard Waste Disposal at the Compost Facility

The staff report was presented.

Acting Mayor Wagner opened the public hearing. There being no one to speak to this matter, Acting Mayor Wagner closed the public hearing.

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to adopt Ordinance 24-18 amending Chapter 58, Solid Waste, regulating yard waste disposal. Motion Carried 4-0.

7.2 Conditional Use Permit: Religious Institution, 555 Railroad Drive - Harvest Intercontinental Church

The staff report was presented.

Acting Mayor Wagner opened the public hearing. There being no one to speak to this matter, Acting Mayor Wagner closed the public hearing.

Moved by Councilmember Grupa and seconded by Councilmember Beyer to approve the conditional use permit with the following conditions to satisfy standards set forth in City Code Section 30-654:

1. The entire parking lot be re-striped based on the approved parking site plan.
2. Schedule a site visit with the Building Official and Fire Marshal to review the leased space and complete any required building code updates.
3. A code analysis finding commercial building code compliance shall be prepared by an appropriate registered professional, as required by condition #2.

Motion Carried 4-0.

7.3 Conditional Use Permit: Truck Terminal with Outdoor Storage, 16234 Jarvis St. NW - The Original Collins Brothers Auto, Truck & Towing

The staff report was presented. Mr. Leeseberg clarified the hours were for the office portion of the business.

Acting Mayor Wagner opened the public hearing. There being no one to speak to this matter, Acting Mayor Wagner closed the public hearing.

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to approve the conditional use permit with the following conditions to satisfy the standards set forth in City Code Section 30-654:

1. All outdoor storage shall follow Section 30-807 regarding screening.
2. The office hours of operation shall be limited to 7:00 a.m. – 6:30 p.m.
3. The parking and driveway area outside the fenced area shall be bound by B612 curb and gutter.
4. All parking and driving areas must be finished with an approved surface – bituminous, concrete, or compacted Class 5.
5. All areas not identified for parking or driving areas shall be maintained as turfgrass per city standards.

-
6. **A 100% opaque fence shall be installed on the west property line the entire length of the outdoor storage area and along the perimeter that is visible from the right-of-way.**
 7. **Written permission from the property owner to the west allowing the fence to be installed on the shared property line shall be obtained.**
 8. **Except for short-term staging requirements, there shall be no storage of vehicles outside the approved storage area, including the city street, exterior parking area, and landscaped areas.**
 9. **Exterior doors and windows shall be closed when any service and maintenance occurs to company vehicles/equipment.**
 10. **Staff approval of all site plans and civil plans.**
 11. **A scaled site plan showing the 19 required parking stalls for all businesses operating on the property must be submitted before beginning operation or issuing building permits.**
 12. **The holding pond must be adequately sized to accommodate the needs of both parcels.**
 13. **An easement and/or agreement must be prepared and recorded to outline the maintenance obligations and grant both property owners access to the holding pond. Permits will not be released until this easement has been signed by both property owners and recorded.**

Motion Carried 4-0.

7.4 Preliminary Plat and Ordinance 24-19 Amendment: Bradford Park South Development, PID 75-00136-1300 - Lennar Homes

The staff report was presented. Mr. Leeseberg noted all the townhomes on the western edge of the development were removed and all the streets will be public. He spoke with the neighbor who was abutting the townhome area who expressed he was comfortable with the changes and had no concerns. The applicant is also good with the trail recommended by the parks and recreation commission.

Acting Mayor Wagner opened the public hearing. There being no one to speak to this matter, Acting Mayor Wagner closed the public hearing.

Councilmember Westgaard commented the completion of this trail network will be a nice amenity for the community.

Moved by Councilmember Beyer and seconded by Councilmember Westgaard to approve the preliminary plat of Bradford Park Development with the following conditions:

- 1. Council approval of an ordinance amendment expanding the PUD district for Bradford Park.**
 - 1. All access to County Road 40 must meet Sherburne County's access management guidelines.**
 - 2. Streets and access must comply with MN State Fire Code Chapter 5 and Appendix D.**
 - 3. Staff approval of all site, utility, engineering, and landscaping plans.**
 - 4. Submit an updated phasing plan outlining the anticipated subdivision additions.**

5. Hydrants must be spaced to ensure all portions of a residence are within 250 feet of a hydrant.
6. All watermains shall be looped. Dead-end watermains are not permitted.
7. State and local approval of all wetland permits related to the wetland impacts.
8. Construct trails and trail connections as recommended by the Parks and Recreation Commission.
9. Mailboxes shall be clustered.
10. Driveways shall be limited to 20 feet wide at the property line or the entire distance between the curb & sidewalk.
11. All buildable lots shall include a drainage and utility easement for areas within the 45-foot wetland setback or within 45 feet of the OHW for stormwater ponds.
12. Grading for trails along the pond shall be designed to minimize impacts to existing grades and vegetation.
13. At least one mid-block connection along Road H must be added to improve connectivity to the trail around the pond.
14. Landscape plans shall identify an overstory tree in the front yard of every parcel and no more than four of the same tree species shall be on adjacent lots.
15. A sign noting “future through street” shall be posted at all temporary dead-end streets.
16. The developer shall construct a trail behind the homes along the west side of the cul-de-sac for Road H. The trail shall extend from 185th Ave north and connect with the trail shown on the west side of Cleveland.
17. The required trail connection shall provide credit toward the park dedication requirements for the subdivision. The land dedication and per-unit fee will be calculated with the future final plat.

Motion Carried 4-0.

Moved by Councilmember Gupa and seconded by Councilmember Westgaard to adopt Ordinance 24-19 amending City Code Section 30-1600 to include the additional land included in the Bradford Park Planned Unit Development. Motion carried 4-0

7.5 Resolution 24-48 for Easement Vacation: 22345 Monroe St NW - Shari Rickers

The staff report was presented.

Acting Mayor Wagner opened the public hearing.

Robert Hoffman, 22390 Grant Street - Asked for confirmation of the easements along his property line. Staff stated the drainage along this property will remain in place.

Acting Mayor Wagner closed the public hearing.

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to adopt Resolution 24-48 vacating existing drainage and utility easements with the condition that the associated boundary line adjustment (P 24-07) is recorded prior to the vacation

resolution. Motion Carried 4-0.

8. GENERAL BUSINESS

8.1 Resolution 24-49 Amending Development Assistance Agreement and Approving Subordination Agreements - Heritage Millwork Project

The staff report was presented.

Acting Mayor Wagner stated she is excited to see this project in Elk River.

Moved by Councilmember Beyer and seconded by Councilmember Grupa to Adopt Resolution 24-49 amending the Development Assistance Agreement (DAA) for the Heritage Millwork project and authorizing execution of subordination agreements with First Bank Elk River and Twin Cities-Metro Community Development Corporation (TCM). Motion Carried 3-0. Councilmember Westgaard abstained.

9. MOTION TO ADJOURN REGULAR MEETING

Moved by Councilmember Westgaard and seconded by Councilmember Beyer to adjourn the regular meeting of City Council. Motion Carried 4-0.

The meeting adjourned at 6:51 p.m.

10. WORK SESSION – UPPER TOWN CONFERENCE ROOM

The work session was called to order by Acting Mayor Wagner at 6:53 p.m.

10.1 Concept Review: The Specht Family Farm Housing Development - Capstone Homes

The staff report was presented.

Steve Bona and Matt Barker, Capstone Homes, reviewed a presentation highlighting some of the following items and requested feedback from the City Council.

- Interchange design and highway access
- Variety of housing stock
- Berming along the highway
- Park amenities and trails
- Buyer demographics
- Commercial locations
- Assistance/Support from the city with Mn/DOT for the interchange location/design.

The Council provided the following:

- Is there any intention to tie the frontage road into the Oliver Kelley Farm entrance? Mr. Barker stated yes.
- Is there screening between the proposed development and the Oliver Kelley Farm? Mr. Bona stated there would be a heavy tree border and other screening.

- Appreciation to Capstone for being collaborative and working with stakeholders, reviewing the area at a higher level, and how it affects surrounding uses and connections.
- Importance of the interchange and working with MnDOT. Mindful of the industrial park to the east, with heavy/wide/long load movements.
- Unusual property with a large tree inventory, with some intention of preserving the oak savanna.
- Could be a hallmark development to be proud to have in the community.
- Is it possible to have some safe pedestrian movement across the highway for families who want access to the Plants and Things Recreation Complex?
- This parcel is an island due to its location, so it's important to have trail connectivity.
- Like the larger lot sizes.

Food Truck Licensing

Mr. Portner explained an issue with a local bank having an event at Orono Park who hired a food truck that is not licensed by the city to cater to their event. He discussed the city's internal communications process with the parks rental permit and asked if an interim provisional license could be issued, noting the truck would still have to complete the licensing application, fees, and background check process. The Council concurred it was okay to issue the provisional license.

11. MOTION TO ADJOURN

Moved by Councilmember Westgaard and seconded by Councilmember Grupa to adjourn the meeting of City Council. Motion Carried 4-0.

The meeting adjourned at 07:53 p.m.

Minutes prepared by Tina Allard.

12. INFORMATION

12.1 Financial Report - July



John J. Dietz, Mayor



Tina Allard, City Clerk